

DRAFT BY-LAWS OF THE EGAN SLOUGH PLANNING & ZONING COMMISSION

ARTICLE I – POWERS

The Egan Slough Planning and Zoning Commission, hereinafter referred to as the Zoning Commission, shall have such powers as are provided in Title 76, Chapter 2, Part 1, Montana Codes Annotated.

ARTICLE II - JURISDICTION

The Zoning Commission has jurisdiction within the boundaries of the Egan Slough Zoning District, hereinafter referred to as the District, formed in accordance with Title 76, Chapter 2, Part 1, Montana Codes Annotated.

ARTICLE III – OFFICIAL SEAT

The official seat of the Zoning Commission is in the Flathead County Commissioners Meeting Room, West Annex, 800 South Main Street in Kalispell, and meetings will be held there except for occasions when the Zoning Commission, by a majority vote of those present at any regular or special meeting, or the Chairman otherwise direct.

ARTICLE IV - MEMBERSHIP

Section 1. Zoning Commission Members: The Zoning Commission shall consist of seven voting members: the three (3) Flathead County Commissioners, the Flathead County Clerk & Recorder, an elected county official appointed by the County Commissioners, and 2 appointed citizens who own property in the District or whose immediate family (spouse, parent, or child) owns property in the District.

Section 2. Terms and Appointments:

(a) Citizen Members: The 2 Citizen Members shall be appointed by the Flathead County Commissioners for staggered 2 year terms. Terms shall run with the calendar year beginning January 1st and expiring December 31st. Members may be re-appointed to successive terms. Service on the Zoning Commission shall be voluntary. There shall be no financial remuneration for services.

(b) Vacancies: Vacancies occurring on the Zoning Commission shall be appointed as soon as practicable. Zoning Commission members shall be notified of vacancies and appointment proceedings at least 2 days in advance of public notice.

ARTICLE V – OFFICERS

Section 1. Officers: The elective officers of the Zoning Commission include a Chairman, Vice-Chairman, and Secretary.

Section 2. Nomination and Election of Officers: Nomination of elective officers will be made from the floor at the annual election meeting which will be held on the first regular meeting of each year. The election will follow immediately thereafter. Officers may be nominated from among the Zoning Commission members only. A nominee receiving a majority vote of those present at the election will be deemed elected.

Section 3. Terms of Officers: The elective officers take office at the first regular meeting in January and serve for a term of one year.

Section 4. Vacancies in Offices: Vacancies in elective offices will be filled by regular election procedure for the unexpired portion of the term.

Section 5. Duties of Officers:

(a) Chairman: The Chairman will preside at all meetings and public hearings of the Zoning Commission and will call special meetings when he or she deems them necessary or is required to do so.

(b) Vice-Chairman: The Vice-Chairman will assume the duties and powers of the Chairman in his absence. If the Chairman and Vice-Chairman are both absent, the remaining Zoning Commission members may elect a temporary Chairman by a majority vote of those present at a regular or special meeting. This person will assume the duties and powers of the Chairman and Vice-chairman for that meeting.

(c) Secretary: The Secretary will keep the minutes and a sound recording of all regular and special meetings of the Zoning Commission. Such minutes will be approved by the Zoning Commission. The Secretary will give notice of all regular and special meetings to Zoning Commission members, prepare the agenda of regular and special meetings, and serve proper and legal notice of all public hearings. The Secretary will maintain a file of all official records.

ARTICLE VI – MEETINGS

Section 1. Regular Meetings: Time and Place: A regular annual meeting for establishment of policies related to the development pattern, for consideration of planning legislation, and for administrative, routine and hearing-type matters will be held in January.

Section 2. Recessed Meetings: Any regular meeting may be recessed to a definite time and place by a majority vote of the Zoning Commission members present at the meeting.

Section 3. Special Meetings: Special meetings may be called by the Chairman or upon the ~~written~~ request of any 2 members of the Zoning Commission.

Section 4. Notice of Meetings: The Secretary will give written notice of all regular and special meetings to the members of the Zoning Commission. Notice of all meetings shall be postmarked at least ~~7 days~~ prior to the meeting. The notice must state the time and place of the meeting and will be accompanied by an agenda of the matters to be considered by the Zoning Commission at such meeting.

The agenda for meetings will also be placed on the Board of County Commissioners' agenda when mailed to the members of the Zoning Commission, for public notice.

Petitions and communications from the audience and matters brought to the meeting by Zoning Commission members, which are not on the agenda for the meeting, may be received but not discussed at the meeting. No discussion or official action may be taken on any matter at a Zoning Commission meeting which is not included on the agenda for such meeting.

Section 5. Public Nature of Meeting and Records: All regular and special meetings, hearings, records and accounts shall be open to the public, unless a matter of individual privacy is to be discussed.

Section 6. Order of Business – Regular Meetings for Administrative, Routine and Hearing-Type Matters:

- (a) Call to order by Chairman
- (b) Roll Call
- (c) Approval of minutes of preceding meeting
- (d) Public Hearings
- (e) Old Business
- (f) New Business
- (g) Adjourn

Section 7. Quorum: A quorum will constitute a majority of the total membership of the Zoning Commission.

Section 8. Motions: Motions will be restated by the Chairman before a vote is taken. The name of the members making and seconding a motion will be recorded in the minutes of the meeting.

Section 9. Voting: Any action taken by a quorum of the Zoning Commission members at any regular or special meeting of the Zoning Commission will be deemed and taken as the action of the Zoning Commission. All matters requiring a public hearing before the Zoning Commission and all matters referred to the Zoning Commission by the County Commissioners will be by roll call vote and the vote of each member shall be recorded in the minutes of the meeting.

Section 10. Parliamentary Procedure: Parliamentary procedure in Zoning Commission meetings will be governed by Robert's Rules of Order, Revised.

ARTICLE VII – PUBLIC HEARINGS

Section 1. Notice: Published and posted notice for public hearings and notification of property owners within the District shall be given prior to the date set, in accordance with the requirements of the Egan Slough Zoning Regulations. Public hearing notice for actions that are not specifically addressed in the regulations shall conform to the notification requirements for Variances in the Egan Slough Zoning Regulations.

Section 2. Procedure:

- (a) Chairman summarizes the application orally. Assigned committees, county departments, or other agencies may add any related or background information as requested. Zoning Commission members are permitted to ask the committee, department or agency any relevant questions relating to the application.
- (b) Public hearing opened. Any petitions and data may be presented at this time.
- (c) Written comments shall be reviewed and become part of the record.
- (d) Proponents in audience given opportunity to speak in favor of application. Information submitted should be factual, relevant and not merely duplicative of previous presentations. A reasonable time will be allowed each speaker. Each person speaking must give name, address, and nature of interest in matter.
- (e) Opponents in audience given opportunity to speak against application. Information submitted should be factual, relevant and not merely duplicative of previous presentations. A reasonable time will be allowed each speaker. Each person speaking must give name, address, and nature of interest in matter.
- (f) Public hearing closed. Board members voice other significant considerations, pose any relevant questions through the Chairman. The Chairman interrogates proper parties for answers.

ARTICLE VIII – COMMITTEES

Section 1. Establishment of Committees: The Zoning Commission may establish such standing or special committees it deems advisable and assign to each committee specific duties or functions. No standing or special committee may commit the Zoning Commission to the endorsement of any plan or program.

Section 2. Quorum and Voting: A majority of members appointed constitutes a quorum of all committees. The affirmative vote of a majority of the committee membership is required for the adoption of a matter before the committee.

ARTICLE IX – AMENDMENTS

Section 1. Amendments to By-Laws: These by-laws may be amended at any regular meeting by the affirmative vote of 4 members of the Zoning Commission, provided the proposed amendments have been presented in writing to each member of the Zoning Commission at least 7 days preceding the meeting at which the vote is taken.

Section 2. Amendments to Development Pattern/Zoning Regulations: In the event that an application to amend the Egan Slough Zoning Regulations is denied by the Zoning Commission or the Board of County Commissioners or that the application for amendment is withdrawn after the hearing of the Zoning Commission, the Zoning Commission shall have the authority to refuse to accept another application for any similar amendment for one (1) year from the date of hearing of the previous application by the Zoning Commission.

The Zoning Commission will consider amendments to the regulations at the regular annual meeting. The purpose of discussing the same at a regular meeting is to determine if the Zoning Commission is willing to consider the same and if so to set a public hearing. Special meetings may be called as needed, but no special meeting will be called to consider an amendment unless 40% of the freeholders in the District have requested the same in writing.